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**USAID/MACEDONIA  
JUDICIAL STRENGTHENING PROJECT  
(JSP)  
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## **I. PROGRAM-RELATED ACTIVITIES AND TASKS**

### **RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM**

#### **1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia**

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

#### **1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved**

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other LPAs as well as CSOs. The sections below outline the follow up activities and events carried out during May 2014 that built on the implementation of the training program.

##### **1.2.1 Other Support for LPAs**

###### ***Macedonian Young Lawyers Association (MYLA)***

The Analysis on the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia—a document generated at the project-supported MYLA National Conference in December 2013—is being reviewed by a certified proofreader. Once the proofreading is complete, JSP will proceed with the procurement for the design and printing of the Analysis. While the project expected the document to be printed and distributed in May, due to prolonged input from other partners, this activity was delayed and is now scheduled to be completed by end June.

###### ***Court Administration Association (CAA)***

On May 28-30, the CAA held its Fifth Annual Assembly in Tetovo, with support from JSP. The agenda included a review of the CAA's proposed revisions to the new Law on Court Services (LCS), a presentation by the Ombudsman on the new LCS, and a presentation of the Courts' House Rules and Regulations for personal data protection. Mr. Ilija Nikolovski, the Court Administrator of the Appellate Court in Bitola, presented his impressions and lessons learned from the September 2013 JSP study tour to the Netherlands and Slovenia. Ms. Martina Smilevska, President of MYLA, presented the goals and achievements of the recently established Rule of Law Council (ROLC). The CAA reelected Mr. Borche Mircheski, for a second term, as their president for the next five years.

The CAA's third newsletter was printed with the support of the project and distributed to the members present at the Annual Assembly.

###### ***European Law Students Association (ELSA)***

**ELSA Website.** The ELSA website is in the final stage of preparation. The design and layout have been reviewed and accepted by the ELSA board, and the domain name has been changed from elsa-rm.org.mk to elsa.mk, which was considered to be simpler and easier to remember by the potential visitors. A series of one-day trainings were conducted to enable

select ELSA members to update the contents of the site. Two additional trainings on the website's administration will be held in June. Currently, the vendor is working on populating the website with content. A user's manual is also being prepared by the vendor for future reference and will be included in the administration section of the site. The website will be officially launched in June.

### **ELSA Brochures**

#### *Prevention Instead of Punishment – System of Juvenile Justice*

The project supported the third promotion of ELSA's brochure "Prevention Instead of Punishment – System of Juvenile Justice" at Basic Court (BC) Skopje I, on May 7. Two ELSA members described in detail the objectives of juvenile justice, the benefits of crime prevention, and the alternative measures and sanctions that could be given to a minor instead of being detained. Approximately forty students from the "Vasil Antevski Dren" Secondary School attended the event. Many of the students were unaware of the fact that they could be charged for criminal acts as minors, which led to a very productive discussion between the students and two juvenile justice judges.

As part of the activity, the students toured the court premises, including the courtrooms, intake offices, archives, public relations office, etc.

#### *You Have a Right to Know*

With JSP support, several ELSA members worked with the Commission for Free Access to Public Information and finalized a brochure titled "You Have a Right to Know." Six thousand bilingual (Albanian and Macedonian) copies of the brochure were printed and distributed equally to ELSA and the Commission on May 28. To reach the broadest audience possible, the Commission will distribute the brochure to attendees at their June 3 free Access to Information training with the Academy for Judges and Prosecutors. The Commission pledged to continue this practice in all further events and will upload the PDF version of the brochure on their official website.

### ***Macedonian Bar Association***

Following a competitive procurement process, JSP awarded a subcontract on April 28 to local vendor Fridge Check for the development of the Bar Association's website. The vendor met with the Bar Association several times during May, and a preliminary version of the website was created. The domain was transferred to a different hosting service, and the Bar Association is currently reviewing the proposed draft design. Simultaneously, the vendor is populating the new website with data received from the Bar (such as lists of certified lawyers, lists of lawyers specialized in juvenile justice, calendar of events, etc.) and transferring data from the old to the new website.

### ***Association for Emancipation, Solidarity and Equality of Women (ESE)***

During May 11-22, JSP hosted Judge Michael Kavanagh, an arbitrator from the USA with an extensive background in domestic violence. Judge Kavanagh worked with the Skopje-based ESE in creating a Domestic Violence Bench Book for judges. Judge Kavanagh met with ESE on May 12 to become familiar with the nature and extent of domestic violence in Macedonia and the existing legal framework on domestic violence. On May 15-16, Judge Kavanagh facilitated a workshop for five Basic Court judges and three ESE employees, during which he presented his observations regarding the problem of domestic violence in Macedonia and provided recommendations for the structure and content of the bench book. The working group also discussed possible improvements to the current procedures for handling domestic violence in civil and in criminal courts. Judge Kavanagh provided valuable insight about the role of judges in providing appropriate and timely legal protection to domestic violence victims. The next

working group meeting has been scheduled for June 16-17 to continue developing the Bench Book.

### **1.2.2 Broad-Based Coalition of LPAs**

During May, the project prepared for the June 10–12 ROLC workshop, led by Urmo Kubar, Program Director of the Network of Estonian Nonprofit Organizations (NENO). The workshop agenda will be focused on organizing the ROLC's initial work plan activities and “lessons learned” by NENO in the constitution of an effective and sustainable advocacy organization. Discussions will also include ways to increase membership and secure funding for the ROLC.

As MYLA is assuming the presiding role of the ROLC in June, the JSP Chief of Party (COP) met with the President on May 28 to discuss the upcoming workshop and other ROLC activities.

## **RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES**

### **2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System**

#### **2.1.1 Review and Advocacy of Laws by the Judiciary**

##### ***Judicial Branch Forum (JBF) Follow-up***

On May 19, MJA hosted a meeting to discuss the difficulties lawyers, notaries, and enforcement agents are facing in the implementation of LCP provisions and disparate judicial decisions on the same subject matters. In attendance were the President Judges of the four appellate regions, representatives from the Chamber of Enforcement Agents, the Notary Chamber, the Macedonian Bar Association, and the project's COP. The participants agreed that the Chamber of Enforcement Agents and the Notary Chamber will collect the judges' decisions and submit them to the MJA and Supreme Court for further analysis and consideration in their work unifying court practices as well as for informing future LCP trainings.

The sixth Judicial Branch Forum will take place on June 26-27 in Mavrovo. Proposals for LCP training topics will be compiled and a final decision will be made regarding the training agenda and facilitators. The first LCP training will be organized in September 2014.

### **2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System**

#### **2.2.1 Strategic Plans for the Basic Court Skopje I, Basic Court Skopje II, and the Academy for Judges and Public Prosecutors**

Following a competitive procurement process, JSP selected Trajkovski & Partners Consulting to implement the strategic planning process for developing the three-year strategic plans of the basic courts Skopje I and Skopje II, and the Academy for Judges and Public Prosecutors (Academy). The strategic planning process will be implemented June through November 2014.

#### **2.2.2 Assist courts to improve transparency and communication with public and media**

The printing and distribution of the appellate courts' 2013 annual reports were completed on May 28. The annual reports contain data on the number of judges, number of cases for the current year, and highlight courts' achievements per appellate region. These publications were prepared entirely by the appellate courts to increase communication between the judiciary and the public and media. The project supported the printing of 700 copies and their distribution to appellate court Skopje, Gostivar, Ship and Bitola.

### **2.2.3 Support Development of Needs-Based Budgets**

During this month, the JSP organized 4 two-day trainings on planning, court budgeting, and management:

- May 6-7, in Strumica, for Shtip appellate region, 30 participants;
- May 19-20 in Bitola, for Bitola appellate region, 23 participants;
- May 22-23 in Skopje, for Gostivar appellate region, 14 participants; and
- May 26-27 in Skopje, for Skopje appellate region, 35 participants.

The trainings were delivered by the local consulting firm BASME and targeted heads of court departments, court administrators, and the court finance staff. The focus of the workshop was to train judicial and non-judicial court staff in calculating the actual and planned cost per case, based on the court's workload, case type, and case complexity. Before each of the trainings, the court staff filled in tables previously prepared by BASME, with data pertaining to the workload status for the last three years, the number of court staff, the status of financial accounts, and staff member salaries. The workshops were very interactive and included several practical assignments. BASME will compile and analyze the cost per case data collected from of all appellate courts and will present their findings at a session for all President Judges in the second half of June.

### **2.2.4 Access to Legal Information for Judges**

The JSP, in coordination with the private company Akademika and the Judicial Council, provided 235 passwords to allow all judges in Macedonia to access an online database of laws free-of-charge for six months. The judges consider access to this database, which is owned and administered by Akademika, a valuable tool because it provides integrated texts of all laws, including all amendments, in a single location which substantially reduces research time.

## ***RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES***

### **3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff**

#### **3.1.1 Continue training opportunities for judges with the Academy**

On May 23, JSP supported a commercial law roundtable for 52 participants on "The Influence of Legal Regulations on the Solvency of Companies". Attendees included representatives from the Academy, judges, lawyers, notaries, enforcement agents, representatives of five business chambers, and officials from the Ministry of Finance. Three main topics were discussed: 1) the recent changes to the Bankruptcy Law, 2) the Law on Financial Discipline, and 3) the new financial instruments for compulsory payment of debts. Presentations were made by Ms. Violeta Petrovska, Mr. Jane Sevdinski, Mr. Igor Dimitrov and Mr. Gjoko Gjorgeski, all officials from the Ministry of Finance, and Mr. Dejan Kostovski, a consultant and former bankruptcy judge. The substantive aspects of the roundtable were developed during several planning meetings between the project and Mr. Goran Lazarevski, the Senior Advisor

of the USAID Investment Development and Export Advancement Support Project (IDEAS), who provided valuable suggestions in regards to the topics and target audience.

### **3.2: Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases**

#### **3.2.1 Support for Judicial Sector Automation**

##### ***Electronic Digital Recording of Court Hearings and Trials***

The JSP is providing an Electronic Court Recording (ECR) consultant to BC Skopje II to promote and improve the use of ECR in the Macedonian courts. BC Skopje II is the country's largest civil court, has the largest caseload, and has the highest number of courtrooms with ECR equipment (28). The consultant has developed a simplified user manual for the ECR system, installed Open Office software to enable exchange of data between the Automated Court Case Management Information System (ACCMIS) and ECR Femida software, and conducted refresher trainings on the use of the ECR equipment for civil judges, court typists, and other court personnel in 29 courts. The refresher trainings began on January 20 in the Gostivar Appellate area, continued through April and May, and concluded on May 6 at the BC Bitola.

The JSP is considering an additional "Training of Trainers" event for typists in each appellate region to enhance the skills of select typists and IT administrators from every Macedonian court. Those selected for this training will become ECR resources for their local colleagues.

##### ***Study Visit to Serbia***

On May 11-13, JSP sent a Macedonian delegation on a study tour to Serbia. The delegation's six participants included a SC Justice, the head of the SC's IT Center, a SC judge's advisor, BC Veles IT administrator, and two JSP staff. The delegation visited the Supreme Court of Serbia, the Appellate Commercial Court, and the Commercial Court of Belgrade. The goal of the visit was to get the delegation members familiarized with Serbia's systems for publishing court decisions online and creating judicial precedence. The project staff is going to work with the Supreme Court and Basic court Veles to implement some good practices to Macedonian judiciary.

##### ***IT Roundtable***

The third IT Roundtable on the proposed regulations for personal data protection was held on May 19-20 in Bitola. Fifty-six IT administrators and officers for personal data protection from all the courts in Macedonia participated.

On the first day, the IT administrators and officers were divided into four groups, representing each appellate region in the country. Each of the groups reviewed some of the seven draft regulations that were applicable to the work of their courts, and identified the difficulties and problems that may occur during the implementation of the regulations. After the review, each of the four groups presented their results and questions for further discussions.

On the second day, two representatives from the Directorate for Personal Data Protection attended the meeting and answered the questions that were raised on the first day. According to the participants, the IT Roundtable was very successful as it provided an opportunity to clarify doubts and questions regarding data protection issues.

### **3.2.2 Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court (AC)**

During May, BASME started implementing the short and focused analysis of the operations and performance of the AC. BASME consultant Mr. Danilov met with Judicial Council President Aleksandra Zafiroska on May 21 and with the president of the State Commission for deciding Administrative Matters in Second Instance on May 26. Judge Zafiroska shared a number of reports and other materials for Mr. Danilov to use in his analysis. Mr. Danilov developed tables to be populated with data by the AC, which will reflect the performance of operations of the court in the past years. The analysis is expected to be completed by June 15, 2014.

#### ***Continue Program-funded Study Tours***

**Study tour to the U.S.A. for Members of the Working Group for Differentiated Case Management (DCM).** Based on the recommendations of U.S. expert Marcus Zimmer to improve case management practices in the Macedonian courts, JSP is preparing a study tour to the US in June for judicial members of the working group responsible for implementing the DCM and National Time Standards (NTS) in Macedonian courts. Eight judges, including the president of the Judicial Council and presidents of BC Skopje I and Skopje II will learn about the US courts' successful implementation of DCM and NTS for case processing and subsequently apply this knowledge to the Macedonian Judiciary.

PHM International, a US based company, was selected to facilitate the study tour. Based on JSP recommendations, PHM developed an agenda and itinerary for the tour that includes meetings with the Administrative Office of the US Courts, the Washington DC Superior Court and Court of Appeals, the National Center for State Courts in Arlington, the Circuit Court for Montgomery County in Maryland, the Supreme Court of the United States, and the American Bar Association.

An orientation meeting was held on May 27 at the JSP office with the working group to discuss the goals, agenda, and administrative aspects of the study tour. Additionally, the flow charts for the adjudication process of civil procedure, labor, family, and commercial cases were presented. They were tentatively divided based on the intended tracks of the Macedonian DCM.

Visas were obtained for all the judges via a diplomatic note through the Ministry of Foreign Affairs. The working group will depart Skopje on June 7 and return on June 15.

### ***RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT***

#### ***Mock Trial Courtroom at the Faculty of Law in Shtip***

USAID and INL will jointly support the conversion and equipping of a classroom at the Goce Delcev University, Faculty of Law in Shtip for use as a mock trial courtroom. The JSP will be responsible for the conversion of the classroom and provision of furniture while INL will procure the necessary IT equipment.

The JSP will publish an RFP in mid-June based on the specifications for the conversion and furniture that an appointed architect is currently preparing.

JSP facilitated a meeting between Judge Lazar Nanev, a criminal judge and professor at the Shtip Law School, and a representative of ICS, the company that procured and installed the

ECR equipment. At the meeting, ICS had a chance to clarify certain issues regarding the setup of the courtroom according to the Criminal Procedure Law. Based on those clarifications, ICS prepared a draft specification and submitted it to INL on May 28. INL will initiate a procurement procedure to obtain the necessary audio equipment for the mock courtroom. ICS also prepared a plan for the cabling of the courtroom so the selected vendor will be able to include the cables during the conversion work.

## **II. PROBLEMS AND REMEDIAL ACTIONS**

Problems have been minimal and are of the type to be expected in the regular course of implementation.

## **III. ADMINISTRATIVE MATTERS**

On May 2, Ms. Dragica Jolevska began her internship assignment with JSP and will assist the project until June 30, 2014. On May 19, Ms. Anne Mulhern started her assignment with JSP as a Tt DPK Global Law and Development Fellow and will assist the project until August 17, 2014.

## **IV. SUMMARY OF ACTIVITIES PLANNED FOR JUNE 2014**

The summary of activities planned for June 2014 is as follows:

- Second workshop for the ESE working group in charge of developing the Domestic Violence Bench Book on June 16-17
- Needs-based budget training for president judges to be delivered by BASME on June 21, 2014
- BASME to complete analysis of the performance of the Administrative Court
- Commence strategic planning process for developing the strategic plans of the Academy, BC Skopje I, and BC Skopje II
- Sixth Judicial Branch Forum on June 26-27
- DCM Study Tour to USA on June 7 – 15
- Issue request for proposals for the conversion of the classroom into a mock courtroom at the Law School in Shtip
- Procure design and printing of MYLA analysis
- Finalize design and launching of the Bar Association's website
- Launch ELSA's website
- ROLC workshop on NENO's "lessons learned" on June 10 – 12
- Preparatory work for upcoming DCM consultancy of Markus Zimmer, July 1-10
- Sign contract with EduSoft for creation of a centralized database for issued warrants and upgrading of ACCMIS to enable classification of warrant orders